

REMARKS

Status of the Application

Applicants submit that the instant application is now in condition for allowance.

Claims 25-26 and 33-62 are currently pending, after cancellation of claims 1-17 by an earlier amendment, and further cancellation of claims 18-24 and 27-32 herein. All of those cancellations are made without prejudice or disclaimer. Applicants expressly reserve the right to re-present the cancelled subject matter in a future amendment. Because no other amendments are made herein, this Amendment should allow for immediate attention.

Rejections Under 35 U.S.C. § 112, Second Paragraph, Are Withdrawn

Applicants thank Examiner Carlson for noting at page 1 of the Advisory Action that the previous rejection of claims 18-62 for alleged indefiniteness has been fully overcome.

Rejections Under 35 U.S.C. § 102 and § 103 Are Moot

The Office had previously rejected claims 18-24 and 27-32 as allegedly anticipated and/or obvious over an article by Choi-Miura et al. (*J. Biochem.* 119: 1157-1165 (1996)). (Office Action of April 7, 2006, at pages 4-7.) Because each of those claims is cancelled herein, those rejections are now moot and Applicants respectfully request their withdrawal.

Terminal Disclaimer Overcomes Obviousness-Type Double Patenting Rejections

The Office had also provisionally rejected claims 18-22, 24-26, 30-37, 39-41, "45-4-52," 54-56, and 60-62 under the doctrine of obviousness-type double patenting over

co-pending Application No. 11/118,396. (Office Action of April 7, 2006, at pages 9-11; Advisory Action at page 2.) Applicants enclose herewith a Terminal Disclaimer in order to disclaim from the term of any patent issuing from the instant application any period that extends beyond the full statutory term of U.S. Patent No. 6,528,299, which is the grandparent of co-pending application 11/118,396. The Office Action of April 7, 2006, also included a provisional double patenting rejection to Application No. 10/254,662. (Office Action at pages 7-9.) However, that application is now abandoned. Thus, that rejection is now moot.

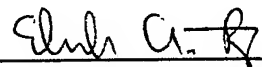
Thus, the instant Terminal Disclaimer, along with the amendments above, should render this application in condition for immediate allowance. Accordingly, Applicants respectfully request the withdrawal of the remaining provisional double patenting rejection and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any required fees not found enclosed herewith to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: September 7, 2006

By: 
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Attachments: RCE Form
Terminal Disclaimer
Information Disclosure Statement
SB/08 Form and Attached Documents